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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,045	08/06/2001	David E. Richardson	10990318-2	1209

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EXAMINER
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HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/923,045

Applicant(s)

RICHARDSON, DAVID E.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is in response to the AMENDMENT/REMARKS entered ON August 2, 2005 for the application number 09/923,045.
2. The present patent application is a continuation of application No 09/523,387, filed on March 10, 2000, now patented, 6,271,845, which is a continuation-in-part of application No. 09/087,338, filled on May 29, 1998, now patented, 6,054,987.
3. The pending claims, 41 through 64 are examined herein as follows.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 41 through 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al (US Pat No 6,374,293).

The present invention relates generally to network management, and more particularly to monitoring health problems of network devices and services of a managed network environment. Furthermore it is directed to not only to indicate the occurrence of a critical event, but to also be able to quickly and readily ascertain the exact nature of that critical event. Likewise, Dev, the prior art of record, is directed to do the same (Abstract). Consequently Dev anticipates the claimed subject matter of the present invention.

With regard to claims 41 and 58:

Dev discloses a network management method and system that includes a user interface, a virtual network and a device communication manager. The method and system allow a user to determine a health status of network objects in a managed network environment” (see Dev, abstract).

As per “displaying a plurality of group view containers each corresponding to a group of network objects sharing at least one user-definable group view attribute, and providing for each group view container an indicator representative of the overall health status of its corresponding group of network objects based on a health status of each of the group's network objects” (see Dev, Figs. 7A-7C, 8A-8B, Abstract, column 12, lines 39-column 13, lines 31).

As per “for each network object in a group of network objects corresponding to a user-selected group view container, displaying a representation of the network object, and providing an indicator representative of a health status of the network object as determined by at least one user-definable health characteristic of the network object” (see Dev, Figs. 7A-7C, 8A-8B, column 12, lines 39-column 13, lines 31, column 14, lines 57-65).

As per “for each of the at least one health characteristic of a user-selected network object, displaying a representation of the health characteristic, and providing an indicator representative of a health status of the health characteristic.” (See Dev, Figs. 7A-7C, 8A-8B, column 12, lines 39-column 13, lines 31, column 14, lines 57-65).

Dev further describes that said network management system includes at least a user interface, that will enable user to interact, select, modify, etc with one the plurality of views (topological or location) of the network (column 3, lines 66-column 3, lines 20, column 14, lines 57-65).

Dev also describes presenting to the user via the user interface listing (see e.g., Alarm log display attributes, Fig. 10) of the network device attribute (column 12, lines 22-56, column 13, lines 7-19, column 13, lines 32-44).

Dev also describes that said user modifying (i.e., via the user interface) the listed attribute (see e.g., Alarm log display attributes, Fig. 10) (column 3, lines 66-column 4, lines 20, column 9, lines 21-column 10, lines 11, column 14, lines 57-65).

With regard to claims 42 and 59:

As per “for each user-selected health characteristic, displaying any event or trap message indicative of an event affecting the health status of the user-selected health characteristic.” (Column 7, lines 40-60).

With regard to claims 43 and 60:

As per “providing a health status indicator of each health characteristic comprises: causing the health status indicator of the health characteristic to indicate a poor health condition of the health characteristic when performance data of the health characteristic violates a

predetermined threshold of the health characteristic.” (Column 7, lines 27-35, column 13, lines 51-67).

With regard to claims 44 and 61:

As per “storing the at least one health characteristic for each network object in a health characteristic configuration file of the corresponding group view to which the network object belongs.” (Column 3, lines 43-51).

With regard to claim 45:

As per “the health characteristic configuration file corresponding to each group of network objects is a registration file.” (Column 3, lines 43-51, column 8, lines 5-14).

With regard to claim 46:

As per “the user can dynamically change network objects of a group of network objects by changing one or more of the at least one user-definable group view attribute of that group of network objects.” (column 3, lines 66-column 4, lines 20, column 6, lines 48-66).

With regard to claim 47:

As per “the at least one health characteristic of a network object comprises one or more of a group consisting of disk utilization, memory utilization, network utilization, and processor utilization.” (column 14, lines 39-56, Fig. 10).

With regard to claims 48 and 62:

As per “the at least one of the network object is either a network device or a network service of the managed network environment.” (column 11, lines 48-59).

With regard to claims 49 and 63:

As per “storing the at least one group view attribute for each group of network objects in an attribute configuration file of the corresponding group to which the network object belongs.” (column 2, lines 65-67, column 47-51, column 5, lines 44-57).

With regard to claim 50:

As per “the attribute configuration file corresponding to each group of network objects is a registration file” (column 5, lines 44-column 6, lines 14).

With regard to claim 51:

As per “the indicator representative of the overall health status of a corresponding group of network objects comprises either a color or a shape of an icon representing the corresponding group view container.” (column 12, lines 39-46).

With regard to claim 52:

As per “the indicator representative of the overall health status of a corresponding group of network objects comprises an audible alarm” (column 8, lines 5-14).

With regard to claim 53:

As per “the indicator representative of the health status of a network object comprises either a color or a shape of a displayed icon of the network object” (column 14, lines 13-24).

With regard to claim 54:

As per “the indicator representative of the health status of a network object comprises an audible alarm.” (column 8, lines 5-14).

With regard to claim 55:

As per “the event or trap message indicative of an event affecting the health status of a user-selected health characteristic is stored as a field of the network object for which the health characteristic is defined” (column 7, lines 40-60).

With regard to claim 56:

As per “the field comprises a field of the network object in an alarm browser used in an Internet application” (column 12, lines 63-67).

With regard to claims 57 and 64:

As per “determining context sensitive information of a user-selected group view” (column 3, lines 66-column 4, lines 20); and as per “modifying, in accordance with the determined context information, at least one of a menubar, popup menu, or toolbar included in the user interface when the user –selected group view is selected by the user.” (as illustrated in location view of Fig. 7A, the menubar includes File and view menus, while in Fig. 7B, which is another context, the menubar additionally includes tools menu (See Figs. 7A and 7B, column 12, lines 39-62).

### ***Response to Arguments***

5. Applicant's arguments filed August 2, 2005 have been fully considered but they are not persuasive. During the Final Office Action, the Examiner has cited several sections of Dev that corresponds to the argued limitations, but the Applicant disagrees and submits that the Examiner's reliance on Dev is misplaced. The Applicant also argues that “although the Examiner has cited sections of Dev disclosing a user display, a user interface, and different network views none of the sections relied on by the Examiner teach or suggest presenting to a user, in response to the user selection, a user interface listing the user-definable group view



attributes for the selected group view attributes for the selected group view container; and receiving via the user interface a user modification of one or more of the listed group view attributes.” As recited in independent claim 41. Claim 58 also recites similar language in system form.

In contrast to the Applicant’s argument, Dev, as viewed by the Examiner, reads over the claimed invention including the argued limitations.

Dev (6374293):

The reference cited discloses a network management system comprises a user interface (10), a virtual network machine (12) and a device communication manager (14).

With regard to the argued limitations, Dev discloses a view personality module 20 connected to the user interface 10 that contains a collection of data modules, which permit the user interface to provide different views of the network.(e.g. traversing from one view to another view by clicking a name label attribute). Dev further discloses that the personality modules 20, 22 and 24 provide a system that is highly flexible and user configurable (i.e., user modifiable). By altering the personality modules 20, the user can specify customized views or displays. By changing the device personality module 22, the user can add new types of network devices to the system. The personality modules permit the system to be reconfigured and customized without changing the basic control code of the system (column 3, lines 66-column 4, lines 20). Dev further discloses that the user interface 10 provides information concerning the network to a user. a display screen is used in conjunction with a mouse to permit the user to select different views of the network (column 12, lines 7-21). Dev further discloses by clicking on specified elements (e.g., name label (attribute) icon 304 or a location (attribute) icon 306,

Fig. 7A) of the view (e.g., topological view, location view or generic view), the user can obtain a view of the next lower level in the hierarchy (column 12, lines 22-56). Dev also describes that the user interface of the network management system is highly flexible and permits new views of the network to be added to the network management system. New views require new view managers and icon managers to be instantiated. Since the views are implemented as C++ objects, new views and icons are easily derived from existing views and icons. New views and modifications of existing views are easily provided by additions or changes to parameters and data, which control the views, without changes to the control code (column 14, lines 57-65).

Dev teaches (see column 12, lines 39-56) presenting to a user (e.g. view of network locations, Fig 7A, are presented, indicated (listed) by name label 304, location icon 306 and icon 302), in response to the user selection (i.e., in response to the clicking one of the location icons 306), a user interface listing the user-definable group view attributes for the selected group view attributes for the selected group view container (i.e., listing the names (name attributes) of the group in the selected headquarter network are indicated (listed) by icon 312, see floor plan 310, Fig. 7B); and receiving via the user interface a user modification of one or more of the listed group view attributes" (i.e., by clicking one of the name (attribute) icon 312, a location view of a single room 318 (computer lab) is displayed as shown in Fig. 7C.) Furthermore, since Dev's system is highly flexible and user configurable (column 3, lines 66-column 4, lines 20), Using the user interface shown in Fig. 7C, user can configure or modify the displayed network devices contained within a computer lab 318.

Thus, Dev teaches the arguments raised by the Applicant as recited in independent claim 41, and similarly as recited in claim 58.

CONCLUSION

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

8. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patent Examiner  
Tadesse Hailu  
Art Unit 2173  
9/29/05

